

Friday, 21 March 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

Paper No. 794 - Request for temporary
parole for Accused Hiroshi OSHIMA to
visit his father, Kenichi OSHIMA.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

Julian Wolf
Official Court Reporter
IMTFE

Appearances:

For the Prosecution Section:

MR. FRANK S. TAVENNER, JR.
MR. S. HORWITZ

For the Defense Section:

MR. OWEN CUNNINGHAM and MR. FUJIO UCHIDA,
Counsel for the accused OSHIMA, Hiroshi

For the Office of the General Secretary, IMTFF:

MR. C. A. MANTZ, Clerk of the Court

The proceeding was begun at 0900.

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THE PRESIDENT: Mr. Cunningham has this application. This is a request for temporary parole for the accused OSHIMA to visit his father. The paper is 794. The particulars are that his father is 91 and is seriously ill. He lives 37 miles from here. There is a doctor's certificate and the request is made subject to such safeguards as the Supreme Commander may direct.

What time is required for the visit, Mr. Cunningham?

MR. CUNNINGHAM: It should not be over 4 hours, your Honor. It will take an hour to get there and an hour to get back.

THE PRESIDENT: Yes.

MR. CUNNINGHAM: It would be accomplished tomorrow and not involve any time away from the court.

THE PRESIDENT: I will refer this to the other Judges.

MR. CUNNINGHAM: I will appreciate it. I would like to say just a few more words about it; that I am authorized to say that the prosecution has no objection to it. I have taken it up with them and the Ambassador OSHIMA, as you know, was ~~away~~ from 1940 to 1946 and when he returned he saw his father once and then was taken

to Sugamo Prison, and Mr. OSHIMA, Sr. is one of the illustrious citizens of old Japan and it would be an extreme act of kindness at this time if we could accomplish this, and I think no harm could possibly come from it.

THE PRESIDENT: Do you know what the Supreme Commander's view is as expressed by the security people?

MR. CUNNINGHAM: No, I do not; but I am quite certain that they would adopt the view that if proper security provisions were taken that there would be no harm in it.

THE PRESIDENT: I do not know what view they take about moving prisoners of ~~that~~ quality about the country without the strongest escort. They may think that in the circumstances something like a whole brigade would be necessary. I do not know. I think it would be just as well to get their view about it.

MR. CUNNINGHAM: Well, I think possibly their view would be that a car with a military -- two or three military police, maybe one, would be all that would be sufficient in a case like that. That is my personal view. I cannot see that there would be any possible hazard there.

THE PRESIDENT: I do not know. I would not say there would personally, but I would like to know their viewpoint.

MR. CUNNINGHAM: You see, I might give you the

case of Ambassador Stammer who is from Germany. He is now living in Atami at the Atami Kanko Hotel.

THE PRESIDENT: He is not an accused.

MR. CUNNINGHAM: No, it is a situation kind of comparable. There is no interest in the matter from that security angle, I do not believe.

THE PRESIDENT: I would like to know what they think about it. The prosecution should be able to tell me. I wonder if they are available. Is Mr. Tavenner about? Could you get Mr. Tavenner?

CLERK OF THE COURT: Yes, sir.

THE PRESIDENT: I want all the facts I can get for the Judges. They will probably ask me what SCAP's view is.

MR. CUNNINGHAM: This is off-the-record.

(Whereupon, a discussion was held off-the record.)

THE PRESIDENT: Are there very many in this position?

MR. CUNNINGHAM: No; I don't know. I haven't heard of any other situations like this.

THE PRESIDENT: The only application of the kind we had had was for one of the accused to attend his wife's funeral.

MR. CUNNINGHAM: HIROTA; and I think the funeral

was over by the time the application was acted upon and the cremation had taken place. It was just formality. The funeral was left and that was the consideration there.

THE PRESIDENT: The prosecution opposed it, I think.

MR. CUNNINGHAM: I do not know what the attitude of the prosecution was.

CLERK OF THE COURT: The prosecution opposed it, sir. The hearing was had before a full Bench in the conference room. They held three sessions before a decision was reached.

THE PRESIDENT: Are the prosecution coming along?

CLERK OF THE COURT: Is there anyone else you would like to see, sir?

THE PRESIDENT: No, we will generally take the prosecution view.

(Whereupon, Mr. Tavenner and Mr. Horwitz entered the conference room.)

MR. TAVENNER: I am sorry, sir, I didn't know there was to be a hearing.

THE PRESIDENT: Do you know of this application on behalf of the accused OSHIMA for leave to visit his aged father who is ill and lives 37 miles from Tokyo?

MR. TAVENNER: Yes, I do sir.

THE PRESIDENT: I want to know what the view of the security section was, but I will take it from you.

MR. TAVENNER: I have assumed that proper arrangements would be made with the security section.

THE PRESIDENT: You do not know whether they can undertake to provide the necessary facilities?

MR. TAVENNER: I do not know a thing about their arrangement.

THE PRESIDENT: You are not opposing their application?

MR. TAVENNER: No, sir.

THE PRESIDENT: I do not suggest that I might refuse it, or the Court might for any reason.

MR. TAVENNER: No, sir.

THE PRESIDENT: It is a matter of security.

MR. TAVENNER: I rather think it is purely a question of security, and, if the security angle can be taken care of, that I could see no objection to the application being granted.

THE PRESIDENT: You can see no objection. Well, I will refer to my Colleagues, Mr. Cunningham, and I will let you know at one o'clock.

MR. CUNNINGHAM: I will appreciate it very much,

thank you.

(Whereupon, at 0910, the proceeding
was concluded.)

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